



The Town of Hilton Head Island  
**Public Planning Committee Meeting**

**Thursday, February 27, 2020 – 3:00 p.m.**

Benjamin M. Racusin Council Chambers

## **AGENDA**

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*As a courtesy to others please turn off / silence ALL mobile devices during the meeting. Thank You.*

**1. Call to Order**

**2. FOIA Compliance** - Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.

**3. Approval of Minutes**

- a. Special Meeting January 16, 2020
- b. Regular Meeting January 23, 2020

**4. Unfinished Business**

- a. Review and recommendation on Sea Turtle Protection Ordinance Revisions
- b. 2020 Trolley Service

**5. New Business**

**6. Committee Business**

**7. Staff Updates**

**8. Appearance by Citizens on Items Unrelated to Today's Agenda**

**9. Adjournment**

*Please note that a quorum of Town Council may result if four (4) or more of their members attend this meeting.*



Town of Hilton Head Island  
**Public Planning Committee**  
January 16, 2020 at 9:00 a.m. Special Meeting  
Benjamin M. Racusin Council Chambers

## MEETING MINUTES

**Present from the Committee:** Chairman David Ames, Tamara Becker, Tom Lennox, Glenn Stanford

**Absent from the Committee:** Bill Harkins

**Others Present from Town Council:** None

**Present from Town Staff:** Shawn Colin, Director of Community Development; Nicole Dixon, Development Review Administrator; Teri Lewis, Deputy Director of Community Development; Jayme Lopko, Senior Planner; Jennifer Ray, Deputy Director of Community Development; Teresa Haley, Senior Administrative Assistant

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### 1. Call to Order

Chairman Ames called the meeting to order at 9:00 a.m.

**2. Freedom of Information Act Compliance** – Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the Town of Hilton Head Island requirements.

### 3. Workforce Housing – Discussion on Workforce Housing Program Elements

Chairman Ames presented opening statements regarding the item and then invited Staff to make a presentation. Mr. Colin presented the information described in the Committee's agenda package and asked the Committee for input.

The Committee discussion focused on developing incentives and programs which promote Commercial Conversion and a sliding scale density bonus program in the Tier 1 priority areas of: Palmetto Bay/Arrow Road/Pope Avenue, Squire Pope/Gumtree Road, and Opportunity Zone/Main Street. The Committee's comments and inquiries included: determine the number of acres available for potential development in the priority areas; Tier 2 would include additional properties located in appropriate base zoning districts and proximate to an arterial street, public transportation, and employment centers; concentrate on Tier 1 and postpone discussion on Tier 2; the Town cannot mandate workforce housing in any location such as the gated communities; the gated communities are not excluded from approaching the Town wanting to participate in workforce housing; whether to include the Light Industrial zoning district; bonus density in the priority areas up to 100%; maximum number of density units allowed; the number of people that workforce housing is designed to benefit; survey information on the number of people that want to live in workforce housing units on the Island; concern for committing properties to a 99-year affordable rental requirement and units stay empty; workforce housing demand locally has been established through assessment needs studies by the County and Town consultants; concern for allowing all additional density in only 30% of the Island; concern about allowing the option to convert commercial properties to market rate units and getting deeper into not solving workforce development issues; consider allowing commercial conversion Island-wide or only in the priority areas; concern for single family property owners living next to a multifamily development given additional bonus density; support for commercial conversion and a sliding scale density bonus program; eligibility and responsibility requirements for workforce housing; how many individuals are permitted to live in one workforce

housing unit; HUD determines the maximum rental rate allowed; other LMO standards and regulations apply; research has shown that requiring more than 50% of bonus density to be workforce units does not work for the private sector; workforce housing on the Island should be a reflection of community values; managing community expectations.

Chairman Ames asked for public comments and received the following: consider allowing workforce housing inside the gated communities; concerns for overbuilding, high density, inadequate parking, additional traffic impacts; consider requiring timeshare developments to provide workforce housing units; provisions captured by staff are consistent with those that have been applied to stimulate workforce housing units in other communities; consider a no cost incentive to expedite permitting and processing; consider a cost incentive of impact fees to be offset up to a certain percentage; concern for bonus density of additional market rate units with commercial conversion; consider requiring all bonus density units be workforce housing.

The Committee thanked Staff for their work. Staff will take the comments provided today and return to the Committee's January 23<sup>rd</sup> meeting with more details.

#### **4. Adjournment**

The meeting was adjourned at 10:35 a.m.

**Submitted by:** Teresa Haley, Secretary

**Approved:** [DATE]



Town of Hilton Head Island  
**Public Planning Committee**  
January 23, 2020 at 3:00 p.m. Regular Meeting  
Benjamin M. Racusin Council Chambers

## MEETING MINUTES

**Present from the Committee:** Chairman David Ames, Tamara Becker, Bill Harkins, Tom Lennox, Glenn Stanford

**Absent from the Committee:** None

**Others Present from Town Council:** None

**Present from Town Staff:** Shawn Colin, Director of Community Development; Anne Cyran, Senior Planner; Nicole Dixon, Development Review Administrator; Brian Eber, Storm Water NPDES Coordinator; Taylor Ladd, Senior Planner; Teri Lewis, Deputy Director of Community Development; Jayme Lopko, Senior Planner; Jennifer Ray, Deputy Director of Community Development; Stephen Ryan, Staff Attorney; Teresa Haley, Senior Administrative Assistant

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### 1. Call to Order

Chairman Ames called the meeting to order at 3:00 p.m.

**2. Freedom of Information Act Compliance** – Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the Town of Hilton Head Island requirements.

### 3. Approval of Minutes

- a. Special Meeting December 11, 2019
- b. Regular Meeting December 19, 2019

Mr. Stanford moved to approve the minutes of the December 11, 2019 special meeting and December 19, 2019 regular meeting. Mr. Harkins seconded. The motion passed with a vote of 5-0-0.

### 4. Unfinished Business

- a. Review and recommendation on Workforce Housing program elements

Mr. Colin presented the item described in the Committee's agenda package. The Committee discussed and made inquiries regarding: provide the number of acres available for potential development in the priority areas for workforce housing: Palmetto Bay/Arrow Road/Pope Avenue, Squire Pope/Gumtree Road, and Opportunity Zone/Main Street; concern the demand for workforce housing is not there and workforce units will be underutilized adding to the supply of underutilized commercial properties; concern restrictions imposed on workforce housing units will prohibit amendments to repurpose those units if they are underutilized; concern for unit sizes decreasing the occupant's quality of life; study the restriction of commercial conversion to the priority areas; the marketplace will determine the type of unit, the location for that unit, and the timing; Sea Pines is considering developing their land in the Palmetto Bay area for workers in Sea Pines; the Town through legislation should assist in workforce development by incentivizing and motivating property owners/developers to do workforce housing; the Planning Commission/LMO Committee should invite the PUDs to meetings to discuss their involvement in this process.

Chairman Ames asked for public comments and received the following: concern this applies to 30% of the island and not the island as a whole; consider offering stronger incentives to gated communities to allow workforce housing within their gates; concern that a density bonus of market rate units will create overbuilding and increase the number of underutilized properties; reconsider the minimum square footage allowed; consider allowing tiny homes; data supporting the need for workforce housing has been consistent throughout the various studies and surveys performed; there are workforce housing eligibility requirements; consider doing a comprehensive inventory of housing on the island; provide a realistic number of acres available for potential development in the priority areas; the majority of properties within the gated communities are restricted by recorded covenants to single family residential use and workforce housing is considered multi-family use; land availability behind the gates is limited.

The Committee asked Staff find out the following information and bring it through the review process beginning with the LMO Committee:

- Provide the number of usable acres for potential development of workforce housing in the priority areas;
- Provide information related to allowing commercial conversion island-wide versus only in the three priority areas;
- The maximum occupancy allowed in the various workforce housing unit types;
- Clarify the maximum density permitted;
- Clarify how compliance with the regulations will be determined, whether by the ordinance or the Official

Mr. Stanford moved to recommend this item move forward to the LMO Committee with the following changes:

- Development incentives for commercial conversion projects that include at least 20% workforce housing units will be a reduction in minimum unit size by 33%
- Market-Rate Conversion Minimum Unit Size for 1-bedroom shall be 800 square feet, 2-bedroom shall be 1,075 square feet, and 3-bedroom shall be 1,330 square feet.

Mr. Harkins seconded. The motion passed with a vote of 4-1-0. Ms. Becker opposed.

**b. 2020 Trolley Budget and Routes**

Mary Lou Franzoni with Palmetto Breeze presented the item to the Committee. The Committee generally supported the proposed extended route. During the discussion, the Committee asked for the following information: provide documentation on a funding solution for the Town to provide the trolley as a free service; cost to add a television monitor to display messaging.

Chairman Ames asked for public comments and received the following: consider the trolley as a means of transportation for workers from Bluffton to Hilton Head Island and back. The Committee thanked Ms. Franzoni for the update.

## **5. New Business**

**a. Review and recommendation on 2019 General LMO Amendments – Set 2**

The Planning Commission recommends that the Public Planning Committee forward the proposed 2019 LMO Amendments – Set 2 to Town Council with a recommendation of approval. Staff presented each proposed amendment as described in the Committee's agenda package. The Committee discussed each one and asked the public at large for comments. Following the public comment and discussion, the Committee voted on the proposed amendments.

Proposed Amendment

- This change will add HVAC units to the table of allowable setback encroachments.

Mr. Stanford moved to recommend that this amendment not move forward for adoption. Mr. Harkins seconded. The motion passed with a vote of 5-0-0.

#### Proposed Amendments

- This change will clarify the language to make it clear that a final plat will not be stamped for recording of the subdivision with Beaufort County until a final Certificate of Compliance (C of C) has been issued.
- This change will allow an Indoor Commercial Recreation use as an allowed use in the CC zoning district.
- This will allow projects that fall within the COR but are not visible from the OCRM Baseline or the OCRM Critical Line to be reviewed through the Minor Corridor Review Procedure.
- This change will clarify that stormwater requirements are applicable to any land disturbing activity that both disturbs ½ acre of land or greater and is within ½ mile of coastal receiving waters.
- This change will add the SCDHEC National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) and the SCDHEC Ocean & Coastal Resource Management (OCRM) Coastal Zone Consistency Certification (CZC) Heightened Stormwater Management Requirement to the list of acceptable reference guides.
- This change will state that the rational method (one of two accepted hydrological methodologies for computing surface runoff) may be used only for sizing individual culverts or storm drains that are not part of a pipe network or system and have a contributing drainage area of 10 acres or less.
- This change will delete health club/spa from examples under Indoor Commercial Recreation.
- This change will add health club/spa as an example under Other Commercial Services.
- This change will add 'screened' in front of 'outdoor storage' in the Bicycle Shop definition.
- This change will add a requirement that dumpsters be screened in keeping with the Design Guide.
- This change will require that setbacks be shown on the site plan.
- This change will require that outdoor commercial recreation uses be approved by special exception.
- These amendments will establish grinding as a standalone use and will provide for where it is allowed, establish conditions, required parking spaces and a definition.
- Ministerial Amendments

Mr. Stanford moved to forward these amendments to Town Council with a recommendation of approval. Mr. Harkins seconded. The motion passed with a vote of 5-0-0.

#### **6. Committee Business – None**

#### **7. Staff Updates – None**

#### **8. Appearance by Citizens on Items Unrelated to Today's Agenda – None**

#### **9. Adjournment**

The meeting was adjourned at 4:47 p.m.

**Submitted by:** Teresa Haley, Secretary

**Approved:** [DATE]



# TOWN OF HILTON HEAD ISLAND

## *Community Development Department*

**TO:** Public Planning Committee  
**VIA:** Shawn Colin, *AICP, Director of Community Development*  
**VIA:** Jennifer Ray, *ASLA, Deputy Director of Community Development*  
**FROM:** Anne Cyran, *AICP, Senior Planner*  
**DATE:** February 17, 2020  
**SUBJECT:** Proposed Revisions to Artificial Light Standards for Sea Turtle Protection

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### **Recommendation**

Staff recommends the Public Planning Committee forward the proposed revisions to the Sea Turtle Protection Ordinance to Town Council with a recommendation of approval.

### **Summary**

Staff made the following changes to the Ordinance per the Committee's direction at their December 17, 2019 meeting:

- 1. Purpose Statement to Include Disorientation**  
Revised Section 8-5-112, Purpose, to add "disorientation" to the purpose statement.
- 2. Motion Detector or Long Wavelength Bulb Required for Construction Lights**  
Revised Section 8-5-113(c), Standards for new development and remodeling of existing development, and Section 8-5-115(c), Standards for existing development, to add the following requirement, "Such fixtures shall be activated by a motion detector or shall use bulbs that produce long wavelength light (560 nanometers or greater), which is amber, orange, or red."

### **Background**

At the December 17, 2019 meeting, the Public Planning Committee discussed and heard comments from the public on the proposed changes to the Ordinance. The discussion included: whether the ordinance would apply to properties further than the first row from the beach; revising the purpose statement to include "disorientation;" removing the word "illuminate" from the ordinance; requiring construction lights to be motion-activated or use long wavelength bulbs; and allowing interior long wavelength light bulbs to reduce the light transmittance value to the required 0.45 or less.

### **Attachments**

- A) Proposed Ordinance
- B) Existing Ordinance

AN ORDINANCE TO AMEND CHAPTER 5 OF TITLE 8, (BEACHES, WATERWAYS, RECREATIONAL AREAS, AND ARTS), OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA; TO AMEND SECTION 8-5-111, DEFINITIONS; TO AMEND SECTION 8-5-112, PURPOSE; TO DELETE SECTION 8-5-113, NEW DEVELOPMENT; TO ADD SECTION 8-5-113, STANDARDS FOR NEW DEVELOPMENT AND REMODELING OF EXISTING DEVELOPMENT; TO AMEND SECTION 8-5-114, EXEMPTIONS FOR NEW DEVELOPMENT; TO DELETE SECTION 8-5-115, EXISTING DEVELOPMENT; TO ADD SECTION 8-5-115, STANDARDS FOR EXISTING DEVELOPMENT; TO DELETE SECTION 8-5-116, PUBLICLY OWNED LIGHTING; TO AMEND SECTION 8-5-117, ENFORCEMENT AND PENALTY; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

**WHEREAS**, the Town Council of the Town of Hilton Head Island did previously adopt Chapter Five (5) of Title 8 of the Municipal Code of the Town of Hilton Head Island to regulate sea turtle protection; and

**WHEREAS**, research on sea turtle nesting and hatchling habits has advanced considerably since the regulations were adopted in 1990; and

**WHEREAS**, Town Council desires to amend Chapter Five (5) Title 8 of the Municipal Code of the Town of Hilton Head Island to update and clarify sea turtle protection regulations;

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA; AND IT IS HEREBY ORDAINED BY THE AUTHORITY OF THE SAID COUNCIL:**

**NOTE:** Double underlined and bold-face typed portions indicate additions to the Ordinance. Stricken portions indicate deletions to the Ordinance.

**Section 1. Amendment.** That Section 8-5-111 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby amended as follows:

Sec. 8-5-111. – Definitions.

For the purpose of this chapter, the following terms shall have the meanings set forth in this section:

- (a) ~~Artificial light: Any source of light emanating from a manmade device, including but not limited to incandescent mercury vapor, metal halide, or sodium lamps, flashlights, spotlights, street lights, vehicular lights, construction or security lights.~~
- (a) **Artificial light: Any source of light emanating from a manmade device, including but not limited to compact fluorescent (CFL), diode, fluorescent, halogen, incandescent, light emitting diode (LED), mercury and sodium lamps or bulbs; candlelight; construction lights; digital displays; entryway lights; firelight; flashlights; light from handheld digital devices; landscape lights; parking or garage lights; pathway or walkway lights; projector light; rope and string lights;**



**security lights; spotlights; street lights; light from televisions; temporary lights; torch light; underwater lights; vehicular lights; and water feature lights.**

- (b) *Beach*: That area of unconsolidated material that extends landward from the mean low water line to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation (usually the effective limit of storm waves).
- (c) **Fixture: Artificial light housing.**
- (d) **Floodlight**: Reflector-type **exterior** light fixture which is attached directly to a building **or pole** and which is unshielded.
- ~~(d)~~ (e) **Low profile luminaire**: Light fixture set on a base which raises the source of the light no higher than forty-eight (48) inches off the ground, and designed in such a way that light is directed downward from a hooded **shielded** light source.
- (e) (f) **New development**: Shall include new construction **of structures**, and remodeling of existing structures when such remodeling includes alteration the installation of new and/or replacement of exterior lighting.
- (f) *Person*: Any individual, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, group, or unit or federal, state, county or municipal government.
- (g) *Pole lighting*: Light fixture set on a base or pole which raises the source of the light higher than forty-eight (48) inches off the ground.
- (g) **Opaque: Blocking the passage of light.**
- (h) **Remodeling of existing development: Shall include changes to existing structures when such changes include the installation of new and/or the replacement of exterior lighting fixtures, windows, and glass doors.**
- ~~(h)~~ *Solar screen*: Screens which are fixed installations and permanently project shade over the entire glass area of the window. The screens must be installed outside of the glass and must:
  - (1) Have a shading coefficient of .45 or less; and
  - (2) Carry a minimum five year warranty; and
  - (3) Must have performance claims supported by approved testing procedures and documentation.
- (i) *Tinted or filmed glass*: Window glass which has been covered with window tint or film such that the material has:
  - (1) A shading coefficient of .45 or less; and
  - (2) A minimum five year warranty; and
  - (3) Adhesive as an integral part; and

- (4) ~~Performance claims which are supported by approved testing procedures and documentation.~~
- (j) ~~Shading coefficient: A coefficient expressing that percentage of the incident radiation which passes through the window as heat.~~
- (i) Sea turtle nesting season: The period from May 1 through October 31 each year.
- (i) Security light: An exterior light fixture that illuminates a portion of a structure or property that is intended to deter or detect intrusions or other criminal activity and for the safety of property owners and guests.
- (k) Shield: An opaque material covering the bulb, lamp or glowing lens of an exterior light fixture such that the bulb, lamp or glowing lens is not visible except when viewed from underneath the shield.
- (h) (l) Solar screen: Solar screens that cover the entire glass area of a window or glass door. Solar screens must have a manufacturer verified inside-to-outside light transmittance value of 0.45 (45 percent) or less.
- (m) Tinted or filmed glass: Glass treated to reduce light transmittance. Tinted or filmed glass must have a manufacturer verified inside-to-outside light transmittance value of 0.45 (45 percent) or less. Tinted or filmed glass cannot be dual-reflective (i.e. mirror finish).
- (n) Transmittance value: A measurement of the percentage of visible light that leaves the interior of a structure through glass windows or doors. This measurement is related to the absorbance of the applied material, rated by the manufacturer.
- (o) Visible from the beach: Capable of being observed by or within the line of sight of a pedestrian walking or standing on the beach.

(Ord. No. 90-13, § 1, 5-7-90)

**Section 2. Amendment.** That Section 8-5-112 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby amended as follows:

Sec. 8-5-112. – Purpose.

The purpose of this chapter is to protect the threatened and endangered sea turtles which nest along the beaches of Hilton Head Island, by safeguarding nesting females and the hatchlings from ~~sources of~~ artificial light which can causes disorientation or misorientation and subsequent death.

(Ord. No. 90-13, § 1, 5-7-90)

**Section 3. Deletion.** That Section 8-5-113 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby deleted as follows:

~~Sec. 8-5-113. – New development.~~

~~It is the policy of the Town of Hilton Head Island that no artificial light shall illuminate any area of the beaches of Hilton Head Island. To meet this intent, building and electrical plans for construction of single family or multifamily dwellings, commercial or other structures, including electrical plans associated with parking lots, dune walkovers or other outdoor lighting if such lighting can be seen from the beach, shall be in compliance with the following:~~

- ~~(a) Floodlights shall be prohibited. Wallmounted light fixtures shall be fitted with hoods so that no light illuminates the beach.~~
  - ~~(b) Pole lighting shall be shielded in such a way that light will be contained within an arc of three (3) to seventy three (73) degrees on the seaward side of the pole. Outdoor lighting shall be held to the minimum necessary for security and convenience.~~
  - ~~(c) Low profile luminaires shall be used in parking lights and such lighting shall be positioned so that no light illuminates the beach.~~
  - ~~(d) Dune walkovers shall utilize low profile shielded luminaires.~~
  - ~~(e) Lights on balconies shall be fitted with hoods so that lights will not illuminate the beach.~~
  - ~~(f) Tinted or filmed glass shall be used in windows above the first floor of on multistory structures. Shade screens can be substituted for this requirement.~~
  - ~~(g) Temporary security lights at construction sites shall not be mounted more than fifteen (15) feet above the ground. Illumination from the lights shall not spread beyond the boundary of the property being developed and in no case shall those lights illuminate the beach.~~
- ~~(Ord. No. 90-13, § 1, 5-7-90)~~

**Section 4. Addition.** That Section 8-5-113 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby added as follows:

**Sec. 8-5-113. – Standards for new development and remodeling of existing development.**

**It is the policy of the Town of Hilton Head Island that no artificial light shall illuminate any area of the beaches of Hilton Head Island. It is the goal of the Town of Hilton Head Island to reduce the number of nesting females and sea turtle hatchlings misoriented by artificial light. To meet these intents, all new development and remodeling of existing development shall meet the standards below. Exterior light fixtures, windows, and glass doors that would be visible from the beach if they were not obscured from view of the beach by vegetation when they are installed shall meet the standards below.**

- (a) Exterior light fixtures visible from the beach shall be completely downward-directed.**
- (b) Exterior light fixtures visible from the beach shall be shielded per the requirements in Sec. 8-5-111.**

- (c) Floodlights visible from the beach serving as temporary security lighting at construction sites shall not be mounted more than fifteen (15) feet above the ground. Such fixtures shall be activated by a motion detector or shall use bulbs that produce long wavelength light (560 nanometers or greater), which is amber, orange, or red. The light shall not spread beyond the boundary of the property being developed.
- (d) Permanent security lighting visible from the beach shall be permitted throughout the night as long as low profile luminaires that meet the requirements in Sec. 8-5-111 are used.
- (e) Light fixtures illuminating areas of dune walkovers shall be turned off between 10:00 p.m. and 6:00 a.m. during sea turtle nesting season. Light fixtures illuminating areas of dune walkovers that produce long wavelength light (560 nanometers (NM) or greater), which is amber, orange or red light, are exempt from this requirement.
- (f) Windows and glass doors which are visible from the beach shall be tinted per the requirements in Sec. 8-5-111 or shall be installed with an interior or exterior solar screen that meets the requirements in Sec. 8-5-111. If a solar screen is used, it must completely cover the glass between 10:00 p.m. and 6:00 a.m. during sea turtle nesting season.

**Section 5. Amendment.** That Section 8-5-114 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby amended as follows:

Sec. 8-5-114. - Exemptions for new development.

The provisions of section 8-5-113 of this chapter shall not apply to any new structure for which a building permit has been issued applied or for any existing structure for which a building permit for the replacement of exterior light fixtures, windows, or glass doors has been applied to by the Town of Hilton Head Island, prior to the effective date of this chapter May 1, 2020.

(Ord. No. 90-13, § 1, 5-7-90)

**Section 6. Deletion.** That Section 8-5-115 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby deleted as follows:

~~Sec. 8-5-115. — Existing development.~~

~~It is the policy of the Town of Hilton Head Island that no artificial light shall illuminate any area of the beaches of Hilton Head Island, South Carolina. To meet this intent, lighting of existing structures which can be seen from the beach shall be in compliance with the following within six (6) months of the effective date of this chapter.~~

- ~~(a) Lights illuminating buildings or associated structures and grounds for decorative or recreational purposes shall be shielded or screened such that they are not visible from~~

~~the beach, or turned off after 10:00 p.m. during the period of May 1 to October 31 of each year.~~

- ~~(b) Lights illuminating dune walkovers of any areas oceanward of the dune line shall be turned off after 10:00 p.m. during the period of May 1 to October 31 of each year.~~
- ~~(c) Security lighting shall be permitted throughout the night so long as low profile luminaires are used and screened in such a way that those lights do not illuminate the beach.~~
- ~~(d) Window treatments in windows facing the ocean above the first floor of multistory structures are required so that interior lights do not illuminate the beach. The use of black-out draperies or shade screens are preferred. The addition of tint or film to windows or awnings is also encouraged, as is turning off unnecessary lights if the light illuminates the beach.~~

(Ord. No. 90-13, § 1, 5-7-90)

**Section 7. Addition.** That Section 8-5-115 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby added as follows:

**Sec. 8-5-115. – Standards for existing development.**

**It is the policy of the Town of Hilton Head Island that no artificial light shall illuminate any area of the beaches of Hilton Head Island. It is the goal of the Town of Hilton Head Island to reduce the number of nesting females and sea turtle hatchlings misoriented by artificial light. To meet these intents, all existing development shall meet the standards below.**

- (a) All exterior light fixtures visible from the beach shall be completely downward-directed by May 1, 2021 or they shall be turned off between 10:00 p.m. and 6:00 a.m. during sea turtle nesting season.**
- (b) All exterior light fixtures visible from the beach shall be shielded per the requirements in Sec. 8-5-111 by May 1, 2021 or they shall be turned off between 10:00 p.m. and 6:00 a.m. during sea turtle nesting season.**
- (c) After May 1, 2020, floodlights visible from the beach serving as temporary security lighting at construction sites shall not be mounted more than fifteen (15) feet above the ground. Such fixtures shall be activated by a motion detector or shall use bulbs that produce long wavelength light (560 nanometers or greater), which is amber, orange, or red. The light shall not spread beyond the boundary of the property being developed.**
- (d) After May 1, 2020, permanent security lighting visible from the beach shall be permitted throughout the night as long as low profile luminaires that meet the requirements in Sec. 8-5-111 are used or they shall be turned off between 10:00 p.m. and 6:00 a.m. during sea turtle nesting season.**
- (e) After May 1, 2020, light fixtures illuminating areas of dune walkovers on the beach shall be turned off between 10:00 p.m. and 6:00 a.m. during sea turtle**

nesting season. Light fixtures that are shielded, downward-directed and that produce long wavelength light (560 nanometers (NM) or greater), which is amber, orange or red light, are exempt from this requirement.

(f) After May 1, 2020, one or more of the following options shall be used so that interior artificial light is not visible from the beach between 10:00 p.m. and 6:00 a.m. during sea turtle nesting season:

1. Turn off interior lights that are visible from the beach between 10:00 p.m. and 6:00 a.m. during sea turtle nesting season.
2. Use opaque material (curtains, blinds, drapes, etc.) or solar screens meeting the requirements in Sec. 8-5-111 to cover windows and glass doors that are visible from the beach between 10:00 pm. and 6:00 a.m. during sea turtle nesting season.
3. Tint or apply film meeting the requirements in Sec. 8-5-111 to windows and glass doors that are visible from the beach.

**Section 8. Deletion.** That Section 8-5-116 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby deleted as follows:

~~Sec. 8-5-116. — Publicly owned lighting.~~

~~Streetlights and lighting at parks and other publicly owned beach access areas shall be subject to, as well as the following:~~

- ~~(a) Whenever possible, streetlights shall be located so that the bulk of their illumination will travel away from the beach. These lights shall be equipped with shades or shields that will prevent backlighting and render them not visible from the beach.~~
- ~~(b) Lights at parks or other public beach access points shall be shielded or shaded or shall not be utilized during the period May 1 to October 31 of each year.~~

~~(Ord. No. 90-13, § 1, 5-7-90)~~

**Section 9. Amendment.** That Section 8-5-117 of the Municipal Code of the Town of Hilton Head Island, South Carolina, be and the same hereby amended as follows:

~~Sec. 8-5-1176. - Enforcement and penalty.~~

This chapter shall be enforced in accordance with the provisions of this chapter, with penalties set forth in section 1-5-10 of this Code.

(Ord. No. 90-13, § 1, 5-7-90)

**Section 10. Severability.** If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section 11. Effective Date.** This Ordinance shall be effective upon its adoption by the Town Council of the Town of Hilton Head Island, South Carolina.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

THE TOWN OF HILTON HEAD  
ISLAND, SOUTH CAROLINA

\_\_\_\_\_  
John J. McCann, Mayor

ATTEST:

\_\_\_\_\_  
Krista Wiedmeyer, Town Clerk

First Reading:  
Second Reading:

APPROVED AS TO FORM:

\_\_\_\_\_  
Curtis L. Coltrane, Town Attorney

Introduced by Council Member: \_\_\_\_\_

# TOWN OF HILTON HEAD ISLAND

## MUNICIPAL CODE

### Chapter 5 - SEA TURTLE PROTECTION

#### Sec. 8-5-111. - Definitions.

For the purpose of this chapter, the following terms shall have the meanings set forth in this section:

- (a) *Artificial light*: Any source of light emanating from a manmade device, including but not limited to, incandescent mercury vapor, metal halide, or sodium lamps, flashlights, spotlights, street lights, vehicular lights, construction or security lights.
- (b) *Beach*: That area of unconsolidated material that extends landward from the mean low water line to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation (usually the effective limit of storm waves).
- (c) *Floodlight*: Reflector-type light fixture which is attached directly to a building and which is unshielded.
- (d) *Low profile luminaire*: Light fixture set on a base which raises the source of the light no higher than forty-eight (48) inches off the ground, and designed in such a way that light is directed downward from a hooded light source.
- (e) *New development*: Shall include new construction and remodeling of existing structures when such remodeling includes alteration of exterior lighting.
- (f) *Person*: Any individual, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, group, or unit or federal, state, county or municipal government.
- (g) *Pole lighting*: Light fixture set on a base or pole which raises the source of the light higher than forty-eight (48) inches off the ground.
- (h) *Solar screen*: Screens which are fixed installations and permanently project shade over the entire glass area of the window. The screens must be installed outside of the glass and must:
  - (1) Have a shading coefficient of .45 or less; and
  - (2) Carry a minimum five-year warranty; and
  - (3) Must have performance claims supported by approved testing procedures and documentation.
- (i) *Tinted or filmed glass*: Window glass which has been covered with window tint or film such that the material has:
  - (1) A shading coefficient of .45 or less; and
  - (2) A minimum five-year warranty; and
  - (3) Adhesive as an integral part; and



(4) Performance claims which are supported by approved testing procedures and documentation.

- (j) *Shading coefficient*: A coefficient expressing that percentage of the incident radiation which passes through the window as heat.

(Ord. No. 90-13, § 1, 5-7-90)

Sec. 8-5-112. - Purpose.

The purpose of this chapter is to protect the threatened and endangered sea turtles which nest along the beaches of Hilton Head Island, by safeguarding the hatchlings from sources of artificial light which cause disorientation and subsequent death.

(Ord. No. 90-13, § 1, 5-7-90)

Sec. 8-5-113. - New development.

It is the policy of the Town of Hilton Head Island that no artificial light shall illuminate any area of the beaches of Hilton Head Island. To meet this intent, building and electrical plans for construction of single-family or multifamily dwellings, commercial or other structures, including electrical plans associated with parking lots, dune walkovers or other outdoor lighting if such lighting can be seen from the beach, shall be in compliance with the following:

- (a) Floodlights shall be prohibited. Wallmounted light fixtures shall be fitted with hoods so that no light illuminates the beach.
- (b) Pole lighting shall be shielded in such a way that light will be contained within an arc of three (3) to seventy-three (73) degrees on the seaward side of the pole. Outdoor lighting shall be held to the minimum necessary for security and convenience.
- (c) Low profile luminaires shall be used in parking lights and such lighting shall be positioned so that no light illuminates the beach.
- (d) Dune walkovers shall utilize low profile shielded luminaires.
- (e) Lights on balconies shall be fitted with hoods so that lights will not illuminate the beach.
- (f) Tinted or filmed glass shall be used in windows facing the ocean above the first floor of multistory structures. Shade screens can be substituted for this requirement.
- (g) Temporary security lights at construction sites shall not be mounted more than fifteen (15) feet above the ground. Illumination from the lights shall not spread beyond the boundary of the property being developed and in no case shall those lights illuminate the beach.

(Ord. No. 90-13, § 1, 5-7-90)

Sec. 8-5-114. - Exemptions for new development.

The provisions of section 8-5-113 of this chapter shall not apply to any structure for which a building permit has been issued by the Town of Hilton Head Island, prior to the effective date of this chapter.

(Ord. No. 90-13, § 1, 5-7-90)

Sec. 8-5-115. - Existing development.

It is the policy of the Town of Hilton Head Island that no artificial light shall illuminate any area of the beaches of Hilton Head Island, South Carolina. To meet this intent, lighting of existing structures which can be seen from the beach shall be in compliance with the following within six (6) months of the effective date of this chapter.

- (a) Lights illuminating buildings or associated structures and grounds for decorative or recreational purposes shall be shielded or screened such that they are not visible from the beach, or turned off after 10:00 p.m. during the period of May 1 to October 31 of each year.
- (b) Lights illuminating dune walkovers of any areas oceanward of the dune line shall be turned off after 10:00 p.m. during the period of May 1 to October 31 of each year.
- (c) Security lighting shall be permitted throughout the night so long as low profile luminaires are used and screened in such a way that those lights do not illuminate the beach.
- (d) Window treatments in windows facing the ocean above the first floor of multistory structures are required so that interior lights do not illuminate the beach. The use of black-out draperies or shade screens are preferred. The addition of tint or film to windows or awnings is also encouraged, as is turning off unnecessary lights if the light illuminates the beach.

(Ord. No. 90-13, § 1, 5-7-90)

Sec. 8-5-116. - Publicly owned lighting.

Streetlights and lighting at parks and other publicly owned beach access areas shall be subject to the following:

- (a) Whenever possible, streetlights shall be located so that the bulk of their illumination will travel away from the beach. These lights shall be equipped with shades or shields that will prevent backlighting and render them not visible from the beach.
- (b) Lights at parks or other public beach access points shall be shielded or shaded or shall not be utilized during the period May 1 to October 31 of each year.

(Ord. No. 90-13, § 1, 5-7-90)

Sec. 8-5-117. - Enforcement and penalty.

This chapter shall be enforced in accordance with the provisions of this chapter, with penalties set forth in section 1-5-10 of this Code.

(Ord. No. 90-13, § 1, 5-7-90)

EXISTING

## Recommendation

Recommendations for improvements to The Breeze trolley service for the 2020 season:

- **Evaluate the Possibility of a Free Service.** Many non-sightseeing tourist-oriented trolley services do not charge a fare. Offering a free service would make the service more appealing and easier to use. In addition, the fare is a “barrier” that may prevent some potential passengers from riding the trolley. To operate the Trolley as a fare free service for the 2020 season, the Town will need to pay \$15,000 to Palmetto Breeze in lieu of the fare collection.
- **Add a Third Trolley and Extend the Route.** An additional trolley could be used to extend the service area northward to the middle of the Island. A second route could start at Shelter Cove Towne Centre, drive west on US 278 toward Mathews Drive, turn right onto Folly Field Road and continue with a turnaround at or near the Westin. Possible stops could be located at or near the Hilton Head Resort, Hilton Head Beach and Tennis, the Island Club, the Barony, the Westin, and the villas along Folly Field Road. The additional cost for a third trolley is **\$63,450** for the season (this includes the grant covering 50% of the operating cost).
- **Install Monitors in the Trolley for Informational Videos.** Video monitors could be installed in the trolley buses for approximately \$1,000 per trolley, which would amount to **\$4,000** for all four trollies. WHHI is interested in partnering with us to display their content on the monitors.